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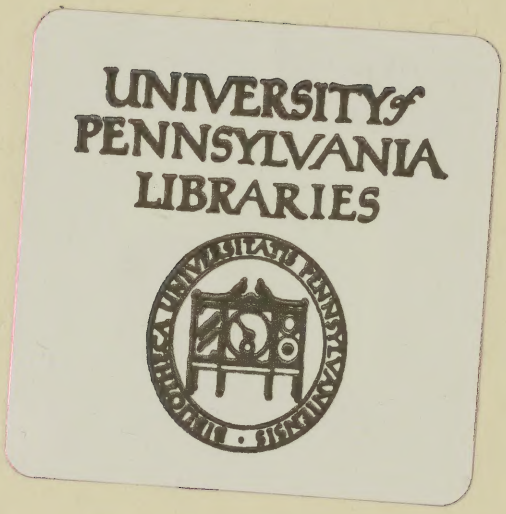
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TRANSLATIONS AND REPRINTS

FROM THE

ORIGINAL SOURCES OF EUROPEAN HISTORY.

VOL. II. THE NAPOLEONIC PERIOD. NO. 2.

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NAPOLEON AND HIS PLANS IN 1796–97.

Extracts from the Mémoires de Miot de Melito, Vol. I, Chapters IV and VI.

The 17th Prairial[1] Bonaparte arrived at Brescia. . . . I)und myself in his presence a few moments after he had alighted. I 'as strangely surprised at his appearance. Nothing could be farther rom the picture which I had formed of him. I saw, in the midst of a umerous staff, a man below the medium height and extremely thin. Iis powdered hair, which was cut in a peculiar, square fashion below he ears, fell down to his shoulders. He had on a strait coat, closely uttoned up, decorated with a very narrow gold embroidery and wore tri-colored plume in his hat. At first glance the face did seem to me fine one, but the striking features, a quick and searching eye and brupt, animated gestures proclaimed an ardent soul, while the broad, rious forehead showed a deep thinker. He had me sit down by him

[1] June 5, 1796.

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and we talked about Italy. His speech was quick and at this tim very incorrect. . . .

I found Bonaparte at the magnificent residence of Montebello the 13th of Prairial (June 1st) in the midst of a brilliant court rathe than the headquarters of an army. Severe etiquette was already main tained in his presence. His aides-de-camp and officers were no longe received at his table and he exercised great care in the choice of thos whom he did admit, it being considered a rare honor, obtained only wit difficulty. He dined so to speak in public and during the meal the in habitants of the country were admitted to the dining room and allowed t feast their eyes upon him. He showed himself, however, in no way em barassed or confused by this exhibition of esteem and received them as i he had always been accustomed to such tributes. His salons and a grea canopy which he had raised in front of the palace toward the gardens, wer constantly filled with a throng of generals, officials, and purveyors, as wel as the highest nobility and the most distinguished men of Italy who cam to solicit the favor of a glance or a moment's conversation. . . Bonaparte took us for a walk in the extensive gardens of his beautifu residence. The promenade lasted towards two hours during which th general talked almost continuously. . . . "What I have done s far is nothing," he said to us; "I am but at the opening of the caree I am to run. Do you suppose that I have gained my victories in Ital in order to advance the lawyers of the Directory, the Carnots and th Baras? Do you think either that my object is to establish a Re public? What a notion! A republic of thirty million people wit our morals and vices! How could that ever be? It is a chimera wit which the French are infatuated but which will pass away in time lik all the others. What they want is glory and the satisfaction of the vanity; as for liberty, of that they have no conception. Look a the army! The victories which we have just gained have given th French soldier his true character. I am everything to him. Let th Directory attempt to deprive me of my command and they will see wh is master. The nation must have a head, a head which is rendere illustrious by glory and not by theories of government, fine phrases o the talk of idealists of which the French understand not a whit. Le them have their toys and they will be satisfied. They will amuse them selves and allow themselves to be led, provided the goal is clever disguised."

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[1] The interview here described took place a year later (1797) than that mentioned in t preceding extract. Montebello is a villa just out of Milan.

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THE TREATIES OF CAMPO FORMIO AND OF LUNÉVILLE.

The Treaties of Campo Formio and of Lunéville are closely related since the results of Bonaparte's victories in 1796–7, which led to the former, were not permanently undone by the temporary reverses experienced by the French during Bonaparte's absence in Egypt. Hence, after Marengo and Hohenlinden, we have in the treaty of Lunéville the ratification of the agreements, both public and secret, of Campo Formio. The provisions of the treaties illustrate the unscrupulous manner in which Austria and France disposed of the lesser European States. The negotiations at Campo Formio inaugurated the system of rapid territorial redistribution which characterizes the Napoleonic Period.

References:—Fyffe, Modern Europe, Vol. I; Häusser *Deutsche Geschichte*, Bd. II.

The most important open articles of the treaty of Campo Formio are as follows: Art. I provides for a perpetual and inviolable peace between the contracting parties. Art. III reads: "His Majesty, the Emperor, King of Hungary and Bohemia, renounces for himself and his successors, in favor of the French Republic, all rights and titles to the former Belgian Provinces known under the name of the Austrian Netherlands. . . ." Art. V: "His Majesty the Emperor, King of Hungary and of Bohemia, consents that the French Republic shall possess in complete sovereignty the former Venetian Islands of the Levant, to wit: Corfu, Zante, Cephalonia, Santa Maura, Cerigo and other islands dependent upon them, as well as Butrinto, Arta, Vonizza, and in general all former Venetian stations in Albania, which are situated below the Gulf of Drino."[1] Art. VI: "The French Republic consents that His Majesty the Emperor and King, shall possess, with all sovereign and proprietary rights, the lands designated below, to wit: Istria, Dalmatia, the Islands of the Adriatic formerly belonging to Venice, the Mouths of the Cattaro, the City of Venice, the Lagunes, and the territories included between the hereditary possessions of His Majesty the Emperor and King, and a line, which, starting in Tyrol" and crossing the Lake of Garda to La Cise, was to follow the Adige, the Canale Bianco and the Po to the Adriatic. Art. VIII: "His Majesty the Emperor, King of Hungary and of Bohemia, recognizes the Cisalpine Republic as an independent power. This republic includes the former Austrian possessions in Lombardy, Bergamo, Brescia, Cremona, the Town and Fortress of Mantua, with their surrounding territories, Peschiera, that portion of the former possessions of Venice to the west and south of the line designated in Art. VI as the frontier of the Italian possessions of His Majesty the Emperor, Modena, the Principality of Massa and Carrara and the three Legations of Bologna, Ferrara and Romagna." Art. XVIII: "His Majesty the Emperor, King of Hungary and of Bohemia, engages to cede to the Duke of Modena, an indemnity for the possessions which this prince and his heirs held in Italy, the Breisgau, which he shall hold upon the same conditions in virtue of which he possessed Modena." Art. XX: "A Congress shall be held at Rastadt composed exclusively of the plenipotentiaries of the Germanic Empire and of the French Republic with a view to the

[1] Situated immediately north of Durazzo.

establishment of peace between these powers. The Congress shall be opened a month after the signing of the present treaty, or sooner if possible." The other articles deal with the raising of sequestration, the responsibility for debts, the cessation of hostilities, etc.

SECRET ARTICLES OF THE TREATY OF CAMPO FORMIO, OCTOBER 17, 1797.

Translated from the French version in Martens, Recueil des principaux Traités, Tome VI, pp. 426, ff.

ARTICLE I.—His Majesty the Emperor, King of Hungary and of Bohemia, consents that the limits of the French Republic shall extend to the line designated below and pledges himself to use his good offices in order that, in establishing peace with the German Empire, the French Republic may obtain this same boundary, to wit:

The left bank of the Rhine from the Swiss frontier below Basle to the confluence of the Nette above Andernach, including the *tête de pont* at Mannheim on the right bank of the Rhine and the town and fortress of Mainz, both banks of the Nette, from its mouth to its source near Brüch, from here a line passing through Senscherode and Borlei to Kerpen and from this town to Udelhofen, Blankenheim, Marmagen, Jactenigt, Cale and Gmünd, including the suburbs and surrounding districts of these places, then the two banks of the Olff to its junction with the Roer, the two banks of the Roer including Heimbach, Nideggen, Düren, and Jülich, with their suburbs and surrounding districts as well as the villages on the river and their surrounding districts as far as Limnich; from here a line passing Roffems and Thalens, Dalen, Hilas, Papdermod, Laterforst, Radenberg, Haversloo (if this lies upon the line), Anderheide, Kalderkirchen, Wambach, Herringen and Grobray with the town of Venloo and its surrounding territory.[1] If, in spite of the good offices of His Majesty the Emperor, King of Hungary and of Bohemia, the German Empire should not consent to the acquisition by the French Republic of the frontier above indicated, His Majesty, the Emperor and King, formally engages not to furnish more than his contingent to the army of the Empire which may not be employed in the fortresses without thereby interfering with the peace and amity just established between his said Majesty and the French Republic.

ART. II.—His Majesty, the Emperor, King of Hungary and of Bohemia, will further use his good offices during the negotiations for

[1] The places mentioned in this article are, with few exceptions, too insignificant to be found on even good maps.

peace with the German Empire in order that, First, the navigation of the Rhine shall be free to the French Republic and to the states of the Empire situated on the right bank of this river from Hüningen to the point where it reaches the Batavian Republic;

Secondly, to arrange that the one in possession of that part of Germany opposite the mouth of the Moselle shall never upon any pretext whatsoever hinder the free navigation and exit of boats or other craft from the mouth of this river;

Third, that the French Republic shall enjoy the free navigation of the Meuse, and that all tolls and other dues which may be established from Venloo to the point where the river enters Batavian territory, shall be suppressed.

ART. III.—His Majesty, the Emperor and King, renounces, on his own part and for his successors, the sovereignty over, and possession of, the County of Falkenstein[1] and its dependencies, in favor of the French Republic.

ART. IV.—The territories which His Majesty, the Emperor, King of Hungary and of Bohemia, is to possess in virtue of Article VI of the open, definitive treaty signed this day, shall serve as an indemnity for those territories which he cedes by Articles III and VII of the open treaty and by the preceding article. This cession shall not, however, have force until the troops of His Majesty, the Emperor and King, shall occupy the territory acquired by the said article.

ART. V.—The French Republic will employ its good offices in order that His Majesty the Emperor may acquire in Germany the Archbishopric of Salzburg, and that portion of the Circle of Bavaria situated between the Archbishopric of Salzburg, the rivers Inn and Salzach and Tyrol, including the city of Wasserburg on the right[2] bank of the Inn, with the surrounding territory within a radius of 3000 toises.[3]

ART. VI.—His Majesty, the Emperor and King, agrees to cede to the French Republic, when peace shall be concluded with the Empire, the sovereignty and possession of the Frickthal, as well as all the possessions of the House of Austria on the left bank of the Rhine between Zurzach[4] and Basle, provided that in the above-mentioned

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[1] An isolated bit of Austrian territory about twenty miles west of Worms.

[2] Wasserburg lies on the left bank of the Inn.

[3] Equals about 6.4 English feet.

[4] Zurzach is on the Rhine above Basle, and the territory in question, to the south of the river, orms geographically a part of Switzerland.

peace His Majesty shall obtain a proportionate compensation in Germany which shall be satisfactory.

The French Republic shall unite the said districts to the Helvetian Republic according to an arrangement to be made between the said countries, without prejudice, however, to His Majesty the Emperor and King, or to the Empire.

ART. VII.—It is understood between the two contracting powers that if, in arranging the pending peace with the German Empire, the French Republic shall make an acquisition in Germany, His Majesty the Emperor, King of Hungary and of Bohemia, shall obtain an equivalent there, and conversely if His Royal and Imperial Majesty makes an acquisition of this kind, the French Republic shall similarly receive an equivalent.

ART. VIII.—A territorial indemnity shall be given to the Prince of Nassau-Dietz, formerly Stadtholder of Holland, but this territorial indemnity shall not be chosen in the neighborhood of the Austrian possessions nor of the Batavian Republic.

ART. IX.—The French Republic will find no difficulty in restoring to the King of Prussia his possessions on the left bank of the Rhine. Hence there will be no question of any new acquisitions on the part of the King of Prussia. To this the contracting parties mutually pledge themselves.

ART. X.—If the King of Prussia consents to cede to the French Republic and to the Batavian Republic certain small portions of his possessions upon the left bank of the Meuse[1], as well as the enclave of Zevenaar and other possessions toward the Yssel, His Majesty the Emperor, King of Hungary and of Bohemia, will employ his good offices to render the said cessions practicable, and to cause them to be recognized by the German Empire. The failure to carry out the present article shall not affect the preceding one.

ART. XI.—His Majesty the Emperor will not oppose the disposition which the French Republic has made in favor of the Ligurian Republic of the Imperial Fiefs.[2] His Majesty the Emperor will unite his efforts with those of the French Republic to induce the German Empire to renounce such rights of suzerainty as it may have in Italy, especially over the districts which form a part of the Cisalpine and Ligurian Republics, as well as over the Imperial Fiefs, such as Lusignana

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[1] A portion of Ober-Geldern, west and north of Venloo.

[2] These had been annexed to the Ligurian Republic.

and all those lying between Tuscany and the possessions of Parma, the Ligurian and Luccan Republics, and the former territory of Modena, the which fiefs shall form a part of the Cisalpine Republic.

ART. XII.—His Majesty the Emperor, King of Hungary and of Bohemia, and the French Republic, will unite their efforts in order that, in negotiating peace with the German Empire, the different Princes and States of the Empire which shall suffer losses of territory and of rights in consequence of the stipulations of the present treaty of peace, or, later, in consequence of the treaty which shall be concluded with the German Empire, shall obtain appropriate indemnities in Germany; which indemnities shall be determined in common accord with the French Republic. This applies especially to the Electors of Mainz, Trier and Cologne, the Elector Palatine of Bavaria, the Duke of Würtemberg and Teck, the Margrave of Baden, the Duke of Zweibrücken, the Landgraves of Hesse-Cassel and of Hesse-Darmstadt, the Princes of Nassau-Saarbrücken, of Salm-Kyrburg, Löwenstein-Wertheim and of Wiedrunkel and the Count of Leyen.

ART. XIII.—The troops of His Majesty the Emperor shall evacuate within twenty days after the exchange of the ratifications of the present treaty, the city and fortress of Mainz, Ehrenbreitstein, Philippsburg, Mannheim, Königsstein, Ulm and Ingólstadt, as well as all the territory belonging to the Germanic Empire as far as his hereditary possessions.

ART. XIV.—The present secret articles shall have the same force as if they were inserted word for word in the open treaty of peace signed to-day. These shall be ratified at the same time by the contracting parties and the acts of ratification shall be exchanged in due form at Rastadt.

Done and signed at Campo Formio, October 17, 1797. (The 27th Vendémiaire of the year six of the French Republic, One and Indivisible.)

BONAPARTE.
THE MARQUIS OF GALLO.
LOUIS, COUNT OF COBENZL.
THE COUNT OF MEIRVELDT, MAJOR-GENERAL.
THE BARON OF DEGELMANN.

THE PEACE OF LUNÉVILLE OF 1801.

From the French version given by P. A. G. von Meyer; Corpus juris Confœderationis Germanicæ, 2d ed., Vol. I, pp. 2 ff.

His Majesty the Emperor, the King of Hungary and of Bohemia, and the First Consul of the French Republic, in the name of the French people, induced by a common desire to put an end to the evils of war, have resolved to proceed to the conclusion of a definitive treaty of peace and amity. His said Imperial and Royal Majesty desiring no less sincerely to extend the benefits of peace to the German Empire, and the existing conditions not affording the necessary time for consulting the Empire, or permitting its representatives to take part in the negotiations, has resolved, in view of the concessions made by the Deputation of the Empire at the recent Congress of Rastadt, to treat in the name of the German Union as has happened before under similar circumstances.

Hence the contracting parties have named the following as their plenipotentiaries:

His Imperial and Royal Majesty, the Sieur Louis, Count of Cobenzl, Minister of Conferences and Vice Chancellor of the Court and of State, etc.

The First Consul of the French Republic in the name of the French people, Citizen Joseph Bonaparte, Councillor of State. These having exchanged their credentials, have agreed upon the following Articles:

ARTICLE I.—Peace, amity and a good understanding shall hereafter exist forever between His Majesty the Emperor, King of Hungary and of Bohemia, acting both in his own name and in that of the German Empire, and the French Republic; His Majesty agreeing that the said Empire shall ratify the present treaty in due form. The contracting parties shall make every effort to maintain a perfect agreement between themselves, and to prevent the commission of any acts of hostility by land or sea upon any ground or pretence whatsoever; striving in every way to maintain the concord thus happily re-established. No aid or protection shall be given either directly or indirectly to any one attempting to injure either of the contracting parties.

ART. II.—The cession of the former Belgian Provinces to the French Republic, stipulated in Article III of the Treaty of Campo Formio, is renewed here in the most solemn manner. His Majesty the Emperor and King therefore renounces for himself and his successors, as well on his own part as on that of the German Empire, all right and title to the above specified provinces, which shall be held in perpetuity

by the French Republic in full sovereignty and proprietary right, together with all territorial possessions belonging to them. His Imperial and Royal Majesty cedes likewise to the French Republic, with the due consent of the Empire: 1. The County of Falkenstein with its dependencies; 2. The Frickthal and all the territory upon the left bank of the Rhine between Zurzach and Basle belonging to the House of Austria; the French Republic reserving the future cession of this district to the Helvetian Republic.

ART. III.—Moreover, in confirmation of Article VI of the Treaty of Campo Formio, His Majesty the Emperor and King, shall possess in full sovereignty and proprietary right the countries enumerated below, to wit: Istria, Dalmatia and the islands of the Adriatic, formerly belonging to Venice, dependent upon them; the Mouths of the Cattaro, the City of Venice, the Lagunes, and the territory included between the hereditary States of His Majesty the Emperor and King, the Adriatic Sea and the Adige from the point where it leaves Tyrol to that where it flows into the Adriatic, the *thalweg*[1] of the Adige forming the boundary line. And since by this line the cities of Verona and Porto-Legnago are separated into two parts, draw-bridges indicating the frontier, shall be established in the middle of the bridges connecting the two parts of the said towns.

ART. IV.—Article XVIII of the Treaty of Campo Formio is likewise renewed inasmuch as His Majesty the Emperor and King, agrees to cede to the Duke of Modena as an indemnity for the territory which this prince and his heirs possessed in Italy, the Breisgau, which he shall possess upon the same conditions as those upon which he held Modena.

ART. V.—It is farther agreed that His Royal Highness the Grand Duke of Tuscany shall renounce for himself, his successors or possible claimants, the Grand Duchy of Tuscany and that part of the Island of Elba belonging to it, as well as all rights and titles resulting from the possession of the said states, which shall hereafter be held in full sovereignty and proprietary right by His Royal Highness the Infante Duke of Parma. The Grand Duke shall receive a complete and full indemnity in Germany for the loss of his states in Italy. The Grand Duke shall dispose according to his pleasure of such possessions as he holds, particularly in Tuscany, whether by personal acquisition or by inheriting the personal acquisitions of the late emperor his father, His Majesty the Emperor Leopold II., or of his grandfather, the Emperor Francis I.

[1] A technical term of international law meaning the centre of the deepest channel of a navigable stream.

It is farther agreed that debts due the state, public institutions or other property of the Grand Duchy, as well as the debts duly secured by mortgage upon this country, shall pass to the new Grand Duke.

ART. VI.—His Majesty the Emperor and King, consents not only on his part but upon the part of the German Empire that the French Republic shall hereafter possess in full sovereignty and proprietary right the territories and domains lying on the left bank of the Rhine and forming a part of the German Empire, so that, in conformity with the concessions granted by the Deputation of the Empire at the Congress of Rastadt and approved by the Emperor, the *Thalweg* of the Rhine shall hereafter form the boundary between the French Republic and the German Empire from that point where the Rhine leaves Helvetian territory to the point where it reaches Batavian territory. In view of this the French Republic formally renounces all possessions whatsoever upon the right bank of the Rhine and agrees to restore to their owners the following places: Düsseldorf, Ehrenbreitstein, Philipsburg, the fortress of Cassel and other fortifications across from Mainz on the right bank of the stream, and the fortress of Kiel and Alt Breisach under the express provision that these places and forts shall continue to exist in the state in which they are left at the time of the evacuation.

ART. VII.—Since in consequence of this cession made by the Empire to the French Republic various Princes and States of the Empire find themselves individually dispossessed in part or wholly of their territory, while the German Empire should collectively support the losses resulting from the stipulations of the present treaty, it is agreed between His Majesty the Emperor and King, both on his part and upon the part of the German Empire, and the French Republic that, in accordance with the principles laid down at the Congress of Rastadt the empire shall be bound to furnish the hereditary princes who have lost possessions upon the left bank of the Rhine an indemnity within the Empire according to such arrangements as shall be determined later in accordance with the stipulations here made.

ART. VIII.—In the case of all the countries ceded, acquired, or exchanged by the present treaty it is agreed, as was provided in Articles IV and X of the treaty of Campo Formio, that those receiving the said countries shall become responsible for the debts secured upon the lands of the same. In view, however, of the difficulties which have arisen in the interpretation of the said articles of the Treaty of Campo Formio it is expressly understood that the French Republic will assume only such

obligations as result from loans formally ratified by the estates of the countries ceded or from expenses incurred in the actual administration of the said countries.

ART. IX.—Immediately after the exchange of ratifications of the present treaty all the inhabitants and property owners in all the districts ceded, acquired or exchanged by the said treaty shall be freed from the sequestration placed upon their property, goods and revenues, on account of the war which has taken place. The contracting parties pledge themselves to pay all their obligations from funds advanced to them by the said individuals as well as by the public establishments of the countries in question and to repay all revenues settled upon either of them. Hence it is expressly understood that the holders of shares in the Bank of Vienna who have become French shall continue to enjoy the income from such shares and shall receive the interest due or which may fall due, notwithstanding any sequestration or failure to observe the limitations imposed upon stockholders, which shall be regarded as null and void, especially the fact that such holders as have become French are not in a position to pay the 30 per cent and the 100 per cent which His Majesty, the Emperor and King, has required of the shareholders of the Bank of Vienna.

ART. X.—The contracting parties shall also raise all sequestrations due to the war, placed upon the goods, dues or revenues of the subjects of His Majesty the Emperor, or of the Empire, within the territory of the French Republic or of French citizens in the territories of his said Majesty or of the Empire.

ART. XI.—The present treaty of peace, especially Articles VIII, IX, X and XV (below), is declared to be common to the Batavian, Helvetian, Cisalpine and Ligurian Republics. The contracting parties mutually guarantee the independence of the said republics and the freedom of the inhabitants of the said countries to adopt such form of government as they shall see fit.

ART. XII.—His Majesty the Emperor and King renounces for himself and for his successors in favor of the Cisalpine Republic all rights and titles depending upon such rights, which His Majesty might assert over the territories in Italy which he possessed before the war and which, according to the terms of Article VIII of the Treaty of Campo Formio, now form a part of the Cisalpine Republic which shall hold them in full sovereign and proprietary right together with all the territorial possessions dependent upon them.

ART. XIII.—His Majesty the Emperor and King, confirms both in his own name and in the name of the German Empire the sanction

already given by the Treaty of Campo Formio to the union of the former Imperial Fiefs to the Ligurian Republic and renounces all claims and titles resulting from these claims upon the said fiefs.

ART. XIV.—In accordance with Article XI of the Treaty of Campo Formio the navigation of the Adige, forming the boundary between the territory of his Imperial and Royal Majesty and of the Cisalpine Republic, shall be free and neither government may establish there any tolls or maintain any vessel of war.

ART. XV.—All prisoners of war made by either party, as well as hostages given or received during the war who have not yet been returned, shall be given back during the forty days following the date of the signature of the present treaty.

ART. XVI.—The unsold real and personal property of His Royal Highness the Archduke Charles and of the heirs of her late Royal Highness the Archduchess Christina which are situated in the countries ceded to the French Republic, shall be restored upon condition that it shall be sold within three years. The same shall be the case with the real and personal property of their Royal Highnesses the Archduke Ferdinand and the Archduchess Beatrix, his consort, in the Cisalpine Republic.

ART. XVII.—Articles XII, XIII, XV, XVI, XVII and XXIII of the Treaty of Campo Formio are particularly to be mentioned in order that their provisions may be fully executed as if they were inserted word for word in the present treaty.

ART. XVIII.—No farther exactions of military supplies or of contributions of any kind shall be made after the date upon which the ratifications of the present treaty shall be exchanged between His Majesty the Emperor, and the German Empire upon the one hand, and the French Republic upon the other.

ART. XIX.—The present treaty shall be ratified by His Majesty the Emperor and King, the Empire and the French Republic within a period of thirty days, or sooner, if possible, and it is farther understood that the armies of the two powers shall remain in their present positions both in Germany and Italy until the said ratifications of the Emperor and King, of the Empire and of the French Republic shall have been simultaneously exchanged at Lunéville between the respective plenipotentiaries. It is also agreed that within ten days after the exchange of the said ratifications, the armies of His Imperial and Royal Majesty shall be withdrawn into his hereditary possessions, which shall be evacuated within the same space of time by the French armies; and

within thirty days after the said exchange the French armies shall have completely evacuated the territory of the said Empire.

Done and signed at Lunéville, February 9, 1801. (The 20th Pluviôse of the year Nine of the French Republic.)

Signed, LOUIS, COUNT OF COBENZL.
JOSEPH BONAPARTE.[1]

DISSOLUTION OF THE HOLY ROMAN EMPIRE.

In no country were the effects of Napoleon's policy more striking or important than in Germany. The cession of the Left Bank of the Rhine implied a complete territorial reconstruction of the remainder of Germany, since the dispossessed princes were to be indemnified within the Empire. This led to the great Imperial Recess (*Reichsdeputationshauptschluss*) of 1803. The ecclesiastical states and the free imperial towns were, with few exceptions, incorporated in the neighboring states. The map of Germany was in this way much simplified, especially as the knights were within a few years illegally deprived of their independence by the newly created "sovereigns" within whose dominions their territories lay. The treaty of Pressburg recognized the rulers of Bavaria and Würtemberg as kings and (article 14) provided that they, with the elector of Baden, should enjoy "the plenitude of sovereignty" and all rights derived therefrom precisely as did the Emperor and the king of Prussia. Nor was the Emperor to hinder in any way any manifestation of this sovereignty. This, by explicity abolishing the dependence of its members, rendered the further existence of the old Imperial union impossible. The Constitution of the Confederation of the Rhine was drawn up at Paris, the future members being allowed very little influence in its formation. Napoleon had no desire to *unify* Germany but wished to maintain several independent states or groups of states which could be easily controlled. The characteristic document given below was the method taken of informing the diet of the new Confederation of the Rhine. This was almost immediately followed by the abdication of the Emperor, who in this way, formally put an end to the most imposing office, with that of the Pope, ever conceived by political thinkers.

Droysen's Historischer Handatlas, map 45, gives a clear view of the changes in 1803. Many more changes looking toward a farther simplification of Germany are found in the Act of the Confederation of the Rhine. Häusser *Deutsche Geschichte* II 657 gives an admirable account of the formation of this union. The best special maps of Würtemberg, Bavaria and Baden before the unification are to be found in the later editions of Putzger's Historischer Handatlas (costing two marks).

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[1] The promulgation and ratification, in Latin, of the above Articles by the Emperor are omitted. The treaty was ratified by the Imperial Diet at Regensburg, March 7, 1801.

THE MESSAGE OF NAPOLEON ANNOUNCING TO THE DIET THE FORMATION OF THE CONFEDERATION OF THE RHINE,

August 1, 1806.

From the French, Meyer Corpus juris Confœderationis Germanicæ 2nd Ed. I 101 f., also Martens' Recueil VIII, 492.

The undersigned, *chargé d'affaires* of His Majesty the Emperor of the French and King of Italy at the general Diet of the German Empire, has received orders from His Majesty to make the following declarations to the diet:

Their Majesties the Kings of Bavaria and of Würtemberg, the Sovereign Princes of Regensburg, Baden, Berg, Hesse-Darmstadt and Nassau, as well as the other leading princes[1] of the south and west of Germany have resolved to form a confederation between themselves which shall secure them against future contingencies, and have thus ceased to be states of the Empire.

The position in which the Treaty of Pressburg has explicitly placed the courts allied to France, and indirectly those princes whose territory they border or surround, being incompatible with the existence of an empire, it becomes a necessity for those rulers to reorganize their relations upon a new system and to remove a contradiction which could not fail to be a permanent source of agitation, disquiet and danger.

France, on the other hand, is directly interested in the maintenance of peace in Southern Germany and yet must apprehend that, the moment she shall cause her troops to recross the Rhine, discord, the inevitable consequence of contradictory, uncertain and ill-defined conditions, will again disturb the peace of the people and reopen, possibly, the war on the continent. Feeling it incumbent upon her to advance the welfare of her allies and to assure them the enjoyment of all the advantages which the Treaty of Pressburg secures them and to which she is pledged, France cannot but regard the confederation which they have formed as a natural result and a necessary sequel to that treaty.

For a long period successive changes, have, from century to century, reduced the German constitution to a shadow of its former self. Time has altered all the relations in respect to size and importance which originally existed among the various members of the confederation, both as regards each other and the whole of which they have formed a part.

The Diet has no longer a will of its own. The sentences of the superior courts can no longer be executed. Everything indicates such

[1] The confederation was joined from time to time by many more German states.

serious weakness that the federal bond no longer offers any protection whatever and only constitutes a source of dissention and discord between the powers. The results of three coalitions have increased this weakness to the last degree. An electorate has been suppressed by the annexation of Hanover to Prussia. A king in the north has incorporated with his other lands a province of the Empire.[1] The Treaty of Pressburg assures complete sovereignty to their majesties the Kings of Bavaria and of Würtemberg and to His Highness the Elector of Baden. This is a prerogative which the other electors will doubtless demand and which they are justified in demanding; but this is in harmony neither with the letter or the spirit of the constitution of the Empire.

His Majesty the Emperor and King is, therefore, compelled to declare that he can no longer acknowledge the existence of the German Constitution, recognizing, however, the entire and absolute sovereignty of each of the princes whose states compose Germany to-day, maintaining with them the same relations as with the other independent powers of Europe.

His Majesty the Emperor and King has accepted the title of *Protector of the Confederation of the Rhine.* He has done this with a view only to peace and in order that by his constant mediation between the weak and the powerful he may obviate every species of dissension and disorder.

Having thus provided for the dearest interests of his people and of his neighbors, and having assured, so far as in him lay, the future peace of Europe and that of Germany in particular, heretofore constantly the theatre of war, by removing a contradiction which placed people and princes alike under the delusive protection of a system contrary both to their political interests and to their treaties, His Majesty the Emperor and King trusts that the nations of Europe will at last close their ears to the insinuations of those who would maintain an eternal war upon the continent. He trusts that the French armies which have crossed the Rhine have done so for the last time, and that the people of Germany will no longer witness, except in the annals of the past, the horrible pictures of disorder, devastation and slaughter which war invariably brings with it.

His Majesty declared that he would never extend the limits of France beyond the Rhine and he has been faithful to his promise. At

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[1] This probably refers to the incorporation of Pomerania by the King of Sweden (June, 1806).

present his sole desire is so to employ the means which Providence has confided to him as to free the seas, restore the liberty of commerce and thus assure the peace and happiness of the world.

BACHER.

Regensburg, August 1, 1806.

THE ABDICATION OF FRANCIS II.

From the German: Meyer Corpus juris Confœderationis Germanicæ, 2d Ed., I. 107

We, Francis the Second, by the Grace of God Roman Emperor Elect, Ever August, Hereditary Emperor of Austria, etc., King of Germany, Hungary, Bohemia, Croatia, Dalmatia, Slavonia, Galizia, Lodomeria and Jerusalem; Archduke of Austria, etc.

Since the peace of Pressburg all our care and attention has been directed towards the scrupulous fulfillment of all engagements contracted by the said treaty, as well as the preservation of peace so essential to the happiness of our subjects, and the strengthening in every way of the friendly relations which have been happily re-established. We could but await the outcome of events in order to determine whether the important changes in the German Empire resulting from the terms of the peace would allow us to fulfill the weighty duties which, in view of the conditions of our election, devolve upon us as the head of the Empire. But the results of certain articles of the Treaty of Pressburg, which showed themselves immediately after its publication and since that time, as well as the events which, as is generally known, have taken place in the German Empire, have convinced us that it would be impossible under these circumstances farther to fulfill the duties which we assumed by the conditions of our election. Even if the prompt readjustment of existing political complications might produce an alteration in the existing conditions, the convention signed at Paris, July 12th, and approved later by the contracting parties, providing for the complete separation of several important states of the Empire and their union into a separate confederation, would utterly destroy any such hope.

Thus, convinced of the utter impossibility of longer fulfilling the duties of our imperial office, we owe it to our principles and to our honor to renounce a crown which could only retain any value in our eyes so long as we were in a position to justify the confidence reposed in us by the electors, princes, estates and other members of the German Empire, and to fulfill the duties devolving upon us.

We proclaim, accordingly, that we consider the ties which have hitherto united us to the body politic of the German Empire as hereby dissolved; that we regard the office and dignity of the imperial headship as extinguished by the formation of a separate union of the Rhenish States and regard ourselves as thereby freed from all our obligations toward the German Empire; herewith laying down the imperial crown which is associated with these obligations, and relinquishing the imperial government which we have hitherto conducted.

We free at the same time the electors, princes and estates and all others belonging to the Empire, particularly the members of the supreme imperial courts and other magistrates of the Empire, from the duties constitutionally due to us as the lawful head of the Empire. Conversely, we free all our German provinces and imperial lands from all their obligations of whatever kind, towards the German Empire. In uniting these, as Emperor of Austria, with the whole body of the Austrian state we shall strive, with the restored and existing peaceful relations with all the powers and neighboring states, to raise them to the height of prosperity and happiness, which is our keenest desire, and the aim of our constant and sincerest efforts.

Done at our capital and royal residence, Vienna, August 6, 1806, in the fifteenth year of our reign as Emperor and hereditary ruler of the Austrian lands.

[L. S.]

FRANCIS,
JOHN PHILIP COUNT VON STADON.

DOCUMENTS RELATING TO THE CONTINENTAL SYSTEM.

Napoleon's cherished plan of conquering the sea by the land originated with the Directory, which conceived the hope, as early as 1796, of forcing the English people to cry for peace, by ruining their commerce. It was stoutly maintained by the French government at that time that a neutral flag could not protect enemy's goods, and the harshest measures were taken with regard to neutral traders. [See decrees in *American State Papers; Foreign Relations*, Vol. III, 288, and in the *Annual Register*; see also *Mallet du Pan, Correspondance avec la Cour de Vienne*, II, 118 and 120.]

Napoleon felt, in the exuberance of victory after the battle of Jena, that the time had come for putting his plans for excluding England from the Continent into execution. Prussia in occupying Hanover had issued a proclamation excluding British trade, March 28, 1806. England immediately declared the mouths of the Ems, Weser, Elbe and Trave in a state of blockade (April 8). This was followed by the more comprehensive blockade announced in the first document given below, which

was sent to all the representatives of neutral powers then at London. The policy of England served Napoleon as an excuse for his Berlin Decree, although he was undoubtedly actuated by other motives in issuing it. January 7, 1807, England answered with an order in Council prohibiting coast trade between the ports of the enemy or of his allies. This was deemed insufficient after the ministry had learned of the secret articles of the Treaty of Tilsit, and three orders were issued November 11, establishing an undisguised "paper" blockade; the most important of the three being reprinted here. The vague, cumbrous phraseology of these decrees became notorious, and it was necessary to issue supplementary and explanatory orders, five of which appeared November 25. One of these established the rule that licenses had to be procured from the English government by neutral traders. Napoleon replied with the Milan Decree, and the President of the United States ordered the first embargo December 22, 1807. Later decrees were issued by Napoleon in enforcing his system; for example that of Bayonne (April 17, 1808) ordered the custom officials to confiscate all American vessels in French ports. That of the Trianon (August 5, 1810) was directed against smuggling and that of Fontainbleau (October 18, 1810) ordered all English goods which could be seized to be publicly burnt. Finally the annexation of the coast of the North Sea in December, 1810, was justified upon the ground that England had rendered the measure necessary by her commercial policy.

The tax imposed by England upon the cargoes of neutral ships which is referred to in the Milan Decree is not found in the Orders of November 11 as Napoleon implies. The tax was, however, a stern reality, whatever may have been its formal origin. Professor McMaster gives an account of the practical workings of the system, so far as American ships were concerned, which he takes from the Baltimore *Evening Post* of September 2 and 27, 1808. The newspaper estimates that on her outward voyage, let us say to Holland with 400 hogsheads of tobacco, an American ship would pay England 1½*d* per pound on the tobacco and 12*s* for each ton of the ship. With $100 for the license and sundry other dues, the total amounted to toward $13,000. On the home voyage with a cargo, let us say, of Holland gin the American trader paid perhaps $16,500, making the total charges paid to Great Britain for a single voyage $31,000. (*History of the People of the United States III 308–9.*)

See for this subject *Henry Adams' History of the United States, Vol. IV., Chapter IV. Alison, History of Europe, Book L: Thiers, Consulate and Empire, Book XXVI.*

NOTE TO REPRESENTATIVES OF NEUTRAL POWERS.

Reprinted from American State Papers (Foreign Relations), Vol. III, p. 267.

DOWNING, May 16, 1806.

The undersigned, His Majesty's principal Secretary of State for Foreign Affairs, has received His Majesty's commands to acquaint Mr. Monroe, that the King, taking into consideration the new and extraordinary means resorted to by the enemy for the purpose of distressing the commerce of his subjects, has thought fit to direct that the necessary measures should be taken for the blockade of the coast, rivers and ports,

from the river Elbe to the port of Brest, both inclusive; and the said coast, rivers and ports are and must be considered as blockaded; but that His Majesty is pleased to declare that such blockade shall not extend to prevent neutral ships and vessels, laden with goods not being the property of His Majesty's enemies, and not being contraband of war, from approaching the said coast, and entering into and sailing from the said rivers and ports (save and except the coast, rivers and ports from Ostend to the river Seine, already in a state of strict and rigorous blockade, and which are to be considered as so continued), provided the said ships and vessels so approaching and entering (except as aforesaid), shall not have been laden at any port belonging to or in the possession of any of His Majesty's enemies; and that the said ships and vessels so sailing from said rivers and ports (except as aforesaid) shall not be destined to any port belonging to or in possession of any of His Majesty's enemies, nor have previously broken the blockade.

Mr. Monroe is therefore requested to apprise the American consuls and merchants residing in England, that the coast, rivers and ports above mentioned, must be considered as being in a state of blockade, and that from this time all the measures authorized by the law of nations and the respective treaties between His Majesty and the different neutral powers, will be adopted and executed with respect to vessels attempting to violate the said blockade after this notice.

The undersigned requests Mr. Monroe, etc. C. J. Fox.

THE BERLIN DECREE.

Translated from the French; Correspondance de Napoléon 1er. Vol. 13.

FROM OUR IMPERIAL CAMP AT BERLIN, November 21, 1806.

Napoleon, Emperor of the French and King of Italy, in consideration of the fact:

1. That England does not recognize the system of international law universally observed by all civilized nations.

2. That she regards as an enemy every individual belonging to the enemy's state, and consequently makes prisoners of war not only of the crews of armed ships of war but of the crews of ships of commerce and merchantmen and even of commercial agents and of merchants traveling on business.

3. That she extends to the vessels and commercial wares and to the property of individuals the right of conquest, which is applicable only to the possessions of the belligerant power.

4. That she extends to unfortified towns and commercial ports, to harbors and the mouths of rivers, the right of blockade, which, in accordance with reason and the customs of all civilized nations, is applicable only to strong places. That she declares places in a state of blockade before which she has not even a single ship of war, although a place may not be blockaded except it be so completely guarded that no attempt to approach it can be made without imminent danger. That she has declared districts in a state of blockade which all her united forces would be unable to blockade, such as entire coasts and the whole of an empire.

5. That this monstrous abuse of the right of blockade has no other aim than to prevent communication among the nations and to raise the commerce and the industry of England upon the ruins of that of the continent.

6. That, since this is the obvious aim of England, whoever deals on the continent in English goods, thereby favors and renders himself an accomplice of her designs.

7. That this policy of England, worthy of the earliest stages of barbarism, has profited that power to the detriment of every other nation.

8. That it is a natural right to oppose such arms against an enemy as he makes use of, and to combat in the same way as he combats. Since England has disregarded all ideas of justice and every high sentiment, due to the civilization among mankind, we have resolved to apply to her the usages which she has ratified in her maritime legislation.

The provisions of the present decree shall continue to be looked upon as embodying the fundamental principles of the Empire until England shall recognize that the law of war is one and the same on land and sea, and that the rights of war cannot be extended so as to include private property of any kind or the persons of individuals unconnected with the profession of arms and that the right of blockade shall be restricted to fortified places actually invested by sufficient forces.

We have consequently decreed and do decree that which follows:

ARTICLE I.—The British Isles are declared to be in a state of blockade.

ART. II.—All commerce and all correspondence with the British Isles is forbidden. Consequently letters or packages directed to England or to an Englishman or written in the English language shall not pass through the mails and shall be seized.

ART. III.—Every individual who is an English subject, of whatever state or condition he may be, who shall be discovered in any

country occupied by our troops or by those of our allies, shall be made a prisoner of war.

ART. IV.—All warehouses, merchandise or property of whatever kind belonging to a subject of England shall be regarded as a lawful prize.

ART. V.—Trade in English goods is prohibited, and all goods belonging to England or coming from her factories or her colonies are declared a lawful prize.

ART. VI.—Half of the product resulting from the confiscation of the goods and possessions declared a lawful prize by the preceding articles shall be applied to indemnify the merchants for the losses they have experienced by the capture of merchant vessels taken by English cruisers.

ART. VII.—No vessel coming directly from England or from the English colonies or which shall have visited these since the publication of the present decree shall be received in any port.

ART. VIII.—Any vessel contravening the above provision by a false declaration shall be seized, and the vessel and cargo shall be confiscated as if it were English property.

ART. IX.—Our Court of Prizes at Paris shall pronounce final judgment in all cases arising in our Empire or in the countries occupied by the French Army relating to the execution of the persent decree. Our Court of Prizes at Milan shall pronounce final judgment in the said cases which may arise within our Kingdom of Italy.

ART. X.—The present decree shall be communicated by our minister of foreign affairs to the King of Spain, of Naples, of Holland and of Etruria, and to our other allies whose subjects like ours are the victims of the unjust and barbarous maritime legislation of England.

ART. XI.—Our ministers of foreign affairs, of war, of the navy, of finance and of the police and our Directors General of the port are charged with the execution of the present decree so far as it affects them.

(Signed,)

Done by the Emperor, NAPOLEON.

HUGUE MARET,

Ministerial Secretary of State.

ORDER IN COUNCIL OF NOVEMBER 11, 1807.

Reprinted from American State Papers (Foreign Relations), Vol. III, pp. 269–70. Also in the *Annual Register* for 1807, p. 746 ff.

At the Court at the Queen's Palace, the 11th of November, 1807: Present, the King's Most Excellent Majesty in Council.

Whereas certain orders establishing an unprecedented system of warfare against this kingdom, and aimed especially at the destruction of its commerce and resources, were some time since issued by the Government of France, by which "the British islands were declared to be in a state of blockade," thereby subjecting to capture and condemnation all vessels, with their cargoes, which should continue to trade with His Majesty's dominions:

And, whereas, by the same order, "all trading in English merchandise is prohibited, and every article of merchandise belonging to England, or coming from her colonies, or of her manufacture, is declared lawful prize:"

And, whereas, the nations in alliance with France, and under her control, were required to give, and have given, and do give, effect to such orders:

And, whereas, His Majesty's order of the 7th of January last has not answered the desired purpose, either of compelling the enemy to recall those orders, or of inducing neutral nations to interpose, with effect, to obtain their revocation, but on the contrary, the same have been recently enforced with increased rigor:

And, whereas, His Majesty, under these circumstances, finds himself compelled to take further measures for asserting and vindicating his just rights, and for supporting that maritime power which the exertions and valor of his people have, under the blessings of Providence, enabled him to establish and maintain; and the maintenance of which is not more essential to the safety and prosperity of His Majesty's dominions, than it is to the protection of such states as still retain their independence, and to the general intercourse and happiness of mankind:

His Majesty is therefore pleased, by and with the advice of his privy council, to order, and it is hereby ordered, that all the ports and places of France and her allies, or of any other country at war with His Majesty, and all other ports or places in Europe, from which, although not at war with His Majesty, the British flag is excluded, and all ports or places in the colonies belonging to His Majesty's enemies, shall, from

henceforth, be subject to the same restrictions in point of trade and navigation, with the exceptions hereinafter mentioned, as if the same were actually blockaded by His Majesty's naval forces, in the most strict and rigorous manner: And it is hereby further ordered and declared, that all trade in articles which are of the produce or manufacture of the said countries or colonies shall be deemed and considered to be unlawful; and that every vessel trading from or to the said countries or colonies, together with all goods and merchandise on board, and all articles of the produce or manufacture of the said countries or colonies, shall be captured and condemned as a prize to the captors.

But, although His Majesty would be fully justified by the circumstances and considerations above recited, in establishing such system of restrictions with respect to all the countries and colonies of his enemies, without exception or qaulification, yet His Majesty being, nevertheless, desirous not to subject neutrals to any greater inconvenience than is absolutely inseparable from the carrying into effect His Majesty's just determination to counteract the designs of his enemies, and to retort upon his enemies themselves the consequences of their own violence and injustice; and being yet willing to hope that it may be possible (consistently with that object) still to allow to neutrals the opportunity of furnishing themselves with colonial produce for their own consumption and supply, and even to leave open, for the present, such trade with His Majesty's enemies as shall be carried on directly with the ports of His Majesty's dominions, or of his allies, in the manner hereinafter mentioned:

His Majesty is, therefore, pleased further to order and it is hereby ordered, that nothing herein contained shall extend to subject to capture or condemnation any vessel, or the cargo of any vessel, belonging to any country not declared by this order to be subjected to the restrictions incident to a state of blockade, which shall have cleared out with such cargo from some port or place of the country to which she belongs, either in Europe or America, or from some free port in His Majesty's colonies, under circumstances in which such trade, from such free ports, is permitted, direct to some port or place in the colonies of His Majesty's enemies, or from those colonies direct to the country to which such vessel belongs, or to some free port in His Majesty's colonies, in such cases, and with such articles, as it may be lawful to import into such free port; nor to any vessel, or the cargo of any vessel, belonging to any country not at war with His Majesty, which shall have cleared out under such regulations as His Majesty may think fit to prescribe, and

shall be proceeding direct from some port or place in this kingdom, or from Gibraltar, or Malta, or from any port belonging to His Majesty's allies, to the port specified in her clearance; nor to any vessel, or the cargo of any vessel, belonging to any country not at war with His Majesty, which shall be coming from any port or place in Europe which is declared by this order to be subject to the restrictions incident to a state of blockade, destined to some port or place in Europe belonging to His Majesty, and which shall be on her voyage direct thereto; but these exceptions are not to be understood as exempting from capture or confiscation any vessel or goods which shall be liable thereto in respect to having entered or departed from any port or place actually blockaded by His Majesty's squadrons or ships of war, or for being enemy's property, or for any other cause than the contravention of this present order.

And the commanders of His Majesty's ships of war and privateers, and other vessels acting under His Majesty's commission, shall be, and are hereby, instructed to warn every vessel which shall have commenced her voyage prior to any notice of this order, and shall be destined to any port of France or of her allies or of any other country at war with His Majesty or any port or place from which the British flag, as aforesaid, is excluded, or to any colony belonging to His Majesty's enemies, and which shall not have cleared out as is hereinbefore allowed, to discontinue her voyage, and to proceed to some port or place in this kingdom, or to Gibraltar or Malta; and any vessel which, after having been so warned or after a reasonable time, shall have been afforded for the arrival of information of this His Majesty's order at any port or place from which she sailed, or which, after having notice of this order, shall be found in the prosecution of any voyage contrary to the restrictions contained in this order, shall be captured, and, together with her cargo, condemned as lawful prize to the captors.

And, whereas, countries not engaged in the war have acquiesced in these orders of France, prohibiting all trade in any articles the produce or manufacture of His Majesty's dominions; and the merchants of those countries have given countenance and effect to those prohibitions by accepting from persons, styling themselves commercial agents of the enemy, resident at neutral ports, certain documents, termed "certificates of origin," being certificates obtained at the ports of shipment, declaring that the articles of the cargo are not of the produce or manufacture of His Majesty's dominions, or to that effect.

And, whereas, this expedient has been directed by France, and submitted to by such merchants, as part of the new system of warfare

directed against the trade of this kingdom, and as the most effectual instrument of accomplishing the same, and it is therefore essentially necessary to resist it.

His Majesty is therefore pleased, by and with the advice of his privy council, to order, and it is hereby ordered, that if any vessel, after reasonable time shall have been afforded for receiving notice of this His Majesty's order, at the port or place from which such vessel shall have cleared out, shall be found carrying any such certificate or document as aforesaid, or any document referring to or authenticating the same, such vessel shall be adjudged lawful prize to the captor, together with the goods laden therein, belonging to the person or persons by whom, or on whose behalf, any such document was put on board.

And the right honorable the Lords Commissioners of His Majesty's Treasury, His Majesty's principal Secretaries of State, the Lords Commissioners of the Admiralty, and the Judges of the High Court of Admiralty, and Courts of Vice-Admiralty, are to take the necessary measures herein as to them shall respectively appertain.

W. FAWKENER.

THE MILAN DECREE.

Translated from *Correspondance de Napoleon, 1er*, No. 13,391 (Vol. 16).

At Our Royal Palace at Milan, December 17, 1807.

Napoleon, Emperor of the French, King of Italy, Protector of the Confederation of the Rhine. In view of the measures adopted by the British government on the 11th of November last by which vessels belonging to powers which are neutral or are friendly and even allied with England are rendered liable to be searched by British cruisers detained at certain stations in England and subject to an arbitrary tax of a certain per cent upon their cargo to be regulated by English legislation.[1]

Considering that by these acts the English government has denationalized the vessels of all the nations of Europe and that no government may compromise in any degree its independence or its rights—all the rulers of Europe being jointly responsible for the sovereignty and independence of their flags,—and that, if through unpardonable weakness which would be regarded by posterity as an indelible stain, such tyranny should be admitted and become consecrated by custom, the English would take steps to give it the force of law as they have already taken

[1] See introductory note above, page 18.

advantage of the toleration of the governments to establish the infamous principle that the flag does not cover the goods and to give the right of blockade an arbitrary extension which threatens the sovereignty of every state: We have decreed and do decree as follows:

ARTICLE I.—Every vessel of whatever nationality which shall submit to be searched by an English vessel or shall consent to a voyage to England, or shall pay any tax whatever to the English government is *ipso facto* declared denationalized, loses the protection afforded by its flag and becomes English property.

ART. II.—Should these vessels which are thus denationalized through the arbitrary measures of the English government enter our ports or those of our allies or fall into the hands of our ships of war or of our privateers they shall be regarded as good and lawful prizes.

ART. III.—The British Isles are proclaimed to be in a state of blockade both by land and by sea. Every vessel of whatever nation or whatever may be its cargo, that sails from the ports of England or from those of the English colonies or of countries occupied by English troops, or destined for England or for any of the English colonies or any country occupied by English troops, becomes, by violating the present decree, a lawful prize, and may be captured by our ships of war and adjudged to the captor.

ART. IV.—These measures, which are only a just retaliation against the barbarous system adopted by the English government, which models its legislation upon that of Algiers, shall cease to have any effect in the case of those nations which shall force the English to respect their flags. They shall continue in force so long as that government shall refuse to accept the principles of international law which regulates the relations of civilized states in a state of war. The provisions of the present decree shall be *ipso facto* abrogated and void so soon as the English government shall abide again by the principles of the law of nations, which are at the same time those of justice and honor.

ART. V.—All our ministers are charged with the execution of the present decree, which shall be printed in the *Bulletin des lois*.

THE PRUSSIAN REFORM EDICT OF OCTOBER 9, 1807.

The first great step towards the radical reform of the Prussian Kingdom was made by the proclamation of the royal ordinance given below. As Professor Seeley has said: "It is not generally the spirit of progress, as is often imagined, which brings about great reforms in a country, but the pressure of need." The disasters of Jena and the humiliation of Tilsit forced the government to undertake an entire reorganization

of the state. The document before us represents only certain aspects of the change and includes, for example, no innovations in the administrative system, which were made later (December 16, 1808). It is as important to note what the decree does not contain as to study its actual provisions. An instructive comparison may be made with the decree abolishing the Feudal System in France. [Trans. and Reprints, Vol. I, Number V.] Stein does not appear to have been personally responsible for the contents of the decree which is based upon a committee report submitted to the King (August 17, 1807), before Stein was recalled. Great pains were taken, it will be noticed, to avoid excessive innovation. No provision was made for dissolving the joint proprietorship in the land enjoyed by lord and tenant. This was not carried out until September 14, 1811, under the ministry of Hardenberg, Stein assuming no responsibility in the matter.

Seeley, *Life and Times of Stein*, gives, Part III, Chapters III and IV, an account of the preparation of the edict. For additional explanation see Häusser *Deutsche Geschichte*, III, 120 ff, also Fyffe *History of Modern Europe*, I, 349.

From the German: Gesetz-Sammlung für die Königlichen Preussischen Staaten 1806–10. Anhang, pp. 170–173.

We, Frederick William, by the Grace of God King of Prussia, etc., etc., Hereby make known and give to understand: Since peace has been established we have been occupied before everything else with the care for the depressed condition of our faithful subjects and the speediest revival and greatest possible improvement in this respect. We have considered that in face of the prevailing want the means at our disposal would be insufficient to aid each individual and even if they were we could not hope to accomplish our object, and that moreover in accordance with the imperative demands of justice and with the principles of a judicious economic policy it behooves us to remove every obstacle which has hitherto prevented the individual from attaining such a state of prosperity as he was capable of reaching. We have farther considered that the existing restrictions both on the possession and enjoyment of landed property and on the personal condition of the agricultural laborer interfere especially with our benevolent purpose and disable a great force which might be applied to the restoration of cultivation, the former by their prejudicial influence upon the value of landed property and the credit of the proprietor, the latter by diminishing the value of labor. We desire therefore to reduce both kinds of restrictions so far as the common well-being demands and accordingly ordain the following:

§ 1. Every inhabitant of our States is competent, without any limitation on the part of the State to own or mortgage landed property of every kind. The noble may therefore own not only noble but also non-noble, citizen and peasant lands of every kind and the citizen and peasant may possess not only citizen, peasant and other non-noble, but also noble tracts of land without in any case needing special permission for any acquisition whatever, although henceforth, as before, every change of ownership must be announced to the authorities. All privileges which are possessed by noble over citizen inheritances are entirely abolished, as well as the restrictions and suspension of certain property rights based upon the personal status of the holder.

Special laws shall still continue to regulate the right of those to acquire land who are by reason of their religious beliefs precluded from performing all the duties of citizenship.

§ 2. Every noble is henceforth permitted, without any derogation from his station, to engage in citizen occupation and every citizen or peasant is allowed to pass from the peasant into the citizen class or from the citizen into the peasant class.

§ 3. A legal right of pre-emption and of prior claim shall exist hereafter only in the case of superior proprietors, of the lessors of estates on perpetual leases or to copy holders and of co-proprietary owners and where a tract of land is sold which is confused with or surrounded by other holdings.

§ 4. The possessors of alienable landed property of all kinds, whether in town or country, are allowed, after due notice given to the provincial authority, reserving the rights of those holding mortgages and those enjoying rights of pre-emption (§ 3) to separate the principal estate from its appurtenances, and in general to alienate lands piecemeal. In the same way co-proprietors may divide among them property owned in common.

§ 5. Every landowner, including those holding feudal or entailed estates, is, without any restrictions except the previous announcement to the provincial authorities, permitted to lease in perpetuity not only single peasant holdings, taverns, mills and other appurtenances but outlying land (*Vorwerks-land*) as well, either entire or in parts. Nor shall the superior proprietor, the successors to the feudal or entailed holding or the mortgage holder be entitled to prevent this upon any grounds if the preliminary payments be applied to the payment of the first mortgage, or, in the case of feudal and entailed estates where no mortgage exists, it be applied to the entail or fee and provided, so far as the

unsatisfied claims of the mortgage holders are concerned, it be attested by the Provincial Government Law office or by the Provincial authorities that the leasing of the land is not disadvantageous to these.[1]

§ 6. If a landed proprietor finds himself unable to restore and maintain the several peasant holdings existing upon an estate which are not held hereditarily either on a perpetual lease or of copyhold, he is required to inform the authorities of the province with the sanction of which the consolidation of several holdings into a single peasant estate or with outlying land shall be permissible so soon as serfdom shall have ceased to exist on the estate. The provincial authorities will be provided with special instructions to meet these cases.

§ 7. If, on the contrary, the peasants' holdings are hereditary whether in virtue of a perpetual lease or of copy hold, the consolidation or other change in the condition of the land in question is not admissible until the rights of the previous owner are extinguished, whether by the sale of the land to the lord or in some other legal way. In this case the provisions of § 6 shall apply as well to this species of holdings.

§ 8. Every possessor of feudal or entailed property is empowered to raise the sums required to replace the losses caused by the war by mortgaging the estates themselves and not simply the revenue from them, provided that the application of the funds is attested by the *Landrath* of the Circle or by the Direction of the District Department. From the close of the third year after the contracting of the debt the possessor and his successor are bound to pay off at least a fifteenth part of the capital annually.

§ 9. Any feudal connection not subject to a chief proprietor, any family settlement or entail may be altered at pleasure or entirely abolished by a resolution of the family, as has already been enacted in regard to the Fiefs of East Prussia (except those of Ermeland) in the East Prussian Provincial Law, appendix 36.

§ 10. From the date of this ordinance no new relation of serfdom whether by birth or marriage, or by assuming the position of a serf, or by contract can be created.

§ 11. With the publication of the present ordinance the existing relations of serfdom of those serfs, with their wives and children, who possess their peasant holdings by inheritance, or in their own right, or by perpetual leases or of copy hold shall cease entirely together with all mutual rights and duties.

[1] This article is so technical as to render an accurate and clear translation almost impossible.

§ 12. From Martinmas, one thousand eight hundred and ten (1810) all serfdom shall cease throughout our whole realm. From Martinmas 1810 there shall be only free persons as is already the case upon the royal domains in all our provinces, free persons, however, still subject, as a matter of course, to all obligations which bind them as free persons by reason of the possession of an estate or by virtue of a special contract.[1]

To this declaration of our supreme will everyone whom it may concern and in particular our provincial authorities and other officials are exactly and dutifully to conform and the present ordinance is to be universally made known.

Authentically under our own royal signature, given at Memel, October 9, 1807.

FREDERICH WILLIAM,
Schrötter, Stein, Schrötter II.

THE DECREE REUNITING THE PAPAL STATES TO THE FRENCH EMPIRE, May, 1809.

The French had occupied the Papal States as early as April, 1808. The relations between Napoleon and the Pope were very strained. The latter had for example forbidden the Bishops in the Legations to take the oath to their new ruler. After the battle of Aspern the Pope excommunicated Napoleon who in his turn ordered the Pope to be arrested (July, 1809). February 17, 1810, the States of the church were, by a *Senatus Consulte*, formally annexed to France as two new departments.

From the Correspondance de Napoleon 1er, No. 15,219, Vol. 19.

Napoleon, Emperor of the French, King of Italy, Protector of the Confederation of the Rhine, etc., in consideration of the fact that when Charlemagne, Emperor of the French and our august predecessor, granted several counties to the Bishops of Rome he ceded these only as fiefs and for the good of his realm and Rome did not by reason of this cession cease to form a part of his empire; farther that since this association of spiritual and temporal authority has been and still is a source of dissentions and has but too often led the pontifs to employ the influence of the former to maintain the pretentions of the latter and

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[1] These general provisions abolishing serfdom were so vague as to be misunderstood. The King therefore issued an official explanation later (*Publicandum relating to Silesia and Glatz of April 8, 1809;* Gesetz-Sammbung 1806–10 pp. 557 ff.) which serves to enlighten us upon the exact nature of the *personal* dependence of the serf. This consisted, for example, in the right of the lord to demand three years' service from children of his serfs, and to control them in later life in the matter of occupation and marriage. The former serf is permitted by the new law to engage in any industry he may choose and to leave the manor if he wishes without demanding the consent of the lord.

thus the spiritual concerns and heavenly interests which are unchanging have been confused with terrestrial affairs which by their nature alter according to circumstances and the policy of the time; and since all our proposals for reconciling the security of our armies, the tranquillity and the welfare of our people and the dignity and integrity of our Empire, with the temporal pretentions of the Popes have failed, we have decreed and do decree what follows:

ARTICLE 1. The Papal States are reunited to the French Empire.

ART. 2. The City of Rome, so famous by reason of the great memories which cluster about it and as the first seat of Christianity, is proclaimed a free imperial city. The organization of the government and administration of the said city shall be provided by a special statute.

ART. 3. The remains of the structures erected by the Romans shall be maintained and preserved at the expense of our treasury.

ART. 4. The public debt shall become an imperial debt.

ART. 5. The lands and domains of the Pope shall be increased to a point where they shall produce an annual net revenue of two millions.

ART. 6. The lands and domains of the Pope as well as his palaces shall be exempt from all taxes, jurisdiction or visitation and shall enjoy special immunities.

ART. 7. On the first of June of the present year a special *consultus* shall take possession of the Papal States in our name and shall make the necessary provisions in order that a constitutional system shall be organized and may be put in force on January first 1810.

Given at our Imperial Camp at Vienna May 17th, 1809.

NAPOLEON.

INTRODUCTORY BIBLIOGRAPHY.

Lanfrey, Pierre: History of Napoleon. 4 vols. Macmillan. (Translated from the French.)

This work was interrupted by the author's death, and reaches only to the close of 1811. The treatment of Napoleon is harsh. While the writer makes constant use of perhaps the best source, Napoleon's own letters, his attitude is unfair, and the motives ascribed for Napoleon's policy are always the lowest. The work forms an excellent antidote to that of Thiers.

Thiers, History of the Consulate and Empire. Several editions of the English translation are available.

Thiers shows an unmistakable tendency, especially in the earlier half of his work, unduly to glorify the Napoleonic régime. The sources relied upon are, moreover, very rarely cited. The work is, nevertheless, important and is probably the most

interesting history in twenty volumes ever written, the style and arrangement being a justifiable source of pride to the author.

Fournier, August, Napoleon der Erste. 3 vols. Leipsig and Prague. This work may be had in a French translation.

This is probably the best account of Napoleon to be had. It is excellent in every way, and contains the most complete bibliography of the period. The German original costs but a dollar, bound, and the work is indispensable to students who can read German or French.

Taine, The Modern Régime. Chapters I and II.

The author gives us in a short space a most fascinating, brilliant and suggestive analysis of Napoleon's policy and genius.

Sloane, William M., History of Napoleon. In process of publication in the *Century Magazine.*

The most recent popular account.

Good short accounts of the history of Europe during the Napoleonic period are furnished by *Fyffe, History of Modern Europe, Vol. I. Rose, J. H. The Revolutionary and Napoleonic Period. Stephens, H. Morse, European History, 1789–1815.*

THE SOURCES.

La Correspondance de Napoleon, 1er. 32 vols.

This collection of Napoleon's letters, though far from complete, is of primary importance.

Memoires. Of these there are a great number.

Those of *Miot de Melito* and of *Madame de Rémusat* are to be had in English and are both trustworthy and interesting. The latter is especially to be recommended for the general reader. The Memoires of the *Baron de Marbot* (available in English) give good accounts of many of the most famous military episodes.

The Journal of Saint Helena, by Las Cases, as well as the more elaborate Memoires dictated by Napoleon during his exile, are sometimes suggestive, although inaccurate in the extreme, as is shown by a comparison with the *Correspondance.* The literature of Saint Helena deluded the world for a time, as Napoleon intended it should.

For farther information in regard to the vast literature of the subject, the student is referred to Fournier's excellent bibliographical appendices above noted.

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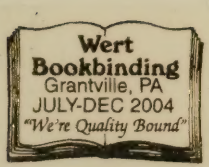

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